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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,503	06/27/2005	Joachim Petersen	12834-00004-US	1450

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EXAMINER
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BOYKIN, TERRESSA M

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/522,503

Applicant(s)

PETERSEN, JOACHIM

Examiner

Terressa M. Boykin

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **Response to Arguments**

Applicant's arguments filed 9-11-06 have been fully considered. No such translation has been filed as of the date of this action. In addition, further searching of various search engines provide a numerous amounts of hits for the winding and rewinding of film on a spool. It is noted that it is the Examiner's intent to carefully consider the claims while at the same time expediently examining the application by giving careful consideration of applicants specification and by giving each claims the best possible search and strategy. However, claims that are so broad that may be anticipated by over 240 applications and/or references in any given search strategy are not allowable. Some of the vast references that may be anticipatory included but are not limited to the following as noted below. With regard to process itself, applicants process may be broadly interpreted for the use or treatment of film other than the film claimed. Therefore, the novelty of the process is that of use and not the process itself since such method may be interpreted and usable for any type of "film" that is winded and re-winded as in camera film or a tape recorder. The use of a liquid during process in a container may be liken to the solvent of processing film or developer.

### **35 USC 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over by USPub 20040186189 see pages 1-4.; see also**

**USPub 20040186189** discloses a method for producing polymer-electrolyte membranes using plasma-assisted deposition in a gaseous phase. Said method simplifies the process in relation to prior art by the selection of its starting materials, carbon or fluorocarbon compounds and water. The reference also relates to a polyazol membrane coated by plasma-polymerization. The purpose of the method is to produce polymer films, the polyazole is, in a further step, dissolved in polar, aprotic solvents such as dimethylacetamide (DMAc) and a film is produced by classical methods. Thus, the **USPub 20040186189** reference discloses a treatment for polyazole films prepared from the same components as claimed by applicants except for the function wherein the film is unrolled from a spool and rolled upon a further spool.

However, the function wherein a film, which is unrolled from one spool and wound onto another is well understood by persons skilled in the art for centuries. See **USP 1375815** col. 2 lines 108 to col. 3 line 1. The treatment or processing of a film in the interim of rewinding is also well documented. US 5965485 discloses a process wherein there is a second rewinding step, wherein the rolled layer is unrolled and rewound around the ribbon spools while sequentially changing a roll diameter thereof. This procedure causes the change in contact position between the ink layer and the back coat layer, so that there arises a phenomenon that the dyes transferred to the

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back coat layer from the ink layer in the first step is re-transferred to the image-protective layer when rewound in the second step. Thus, although the process of treatment may vary, the process of “treating” a film while/during the changing of the film from one roll to another spool is well-known. It would have been obvious to one having ordinary skill in the art at the time the invention was made to treat/process a film particularly the polyazole film above since the process or function is well-known to the skilled artisan. Consequently, the claimed invention cannot be deemed as unobvious and accordingly is unpatentable.

**USP 4494842** has an excerpt..... “Known automatic rewind devices use torque sensors to detect the changes in torque acting on a motor driven sprocket or spool when a film cartridge no longer feeds film, and change the winding operation to a rewinding operation.”

**USP 4579435** discloses as one excerpt..... “Currently, the rewinding of the film in a camera has been performed by engaging a rewind member on the camera housing with the spool of the film cartridge.”

**USP 4728975** discloses as one excerpt.... “Compared with the other type of windup transmission system in which both sprocket and take-up spool with a friction mechanism there between participate always at the same time in driving the film not only from the initial to the final stage of AL but also during the subsequent recycles of winding up, the employment of such a new type, thanks to the removal of the spool friction mechanism, can decrease the kinetic energy necessary to wind up the film and increase the framing rate and the number of fed cartridges a battery.”

**USP 5774755** discloses as one excerpt.....” film drive is in engagement with the supply spool and the spindle to rotate the supply spool and spindle in opposed advance and rewind directions.

As mentioned above, applicants process may be broadly interpreted for the use or treatment of film other than the film claimed. Thus, each of the references discloses a

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film which is rolled on a spool and rewind. The use of indicators, buffers, developers are all liquid solutions used in film production and would be in a container or put through a container, i.e. trough.

It would have been obvious to one of ordinary skill in the art to employ a "film" that is winded and re-winded as in camera film or a tape recorder. The use of a liquid during process in a container may be liken to the solvent of processing film, i.e. buffers, indicators, developer etc. and would have been either an inherent part of the process known to the skilled artisan or an obvious process step. Further, the use of a polyazole as the particular film appears to be consequential or irrelevant to the process since any film may be used likewise. Lastly, the use of vinylsulfonic acid or vinyphosphonic acid groups are also common components which may be used in a vast types of developers, buffers and indicators.

### **Correspondence**

**Please note that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov) <<http://www.uspto.gov>>), from the Office of Public Records and from commercial sources. Applicants may be referred to the Electronic Business Center (EBC) at <<http://www.uspto.gov/ebc/index.html>> or 1-866-217-9197.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Terressa Boykin whose telephone

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number is 571 272-1069. The examiner can normally be reached on Monday through Friday from 6:30am to 3:00pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. The general information number for listings of personnel is ( **571-272-1700**).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tmb

  
**Examiner Terressa Boykin**  
**Primary Examiner**  
**Art Unit 1711**